



503.28546CV9

JPW 1756  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Kojima, et al.  
Application No.: 09/917,912  
Filed: July 31, 2001  
For: METHOD AND APPARATUS FOR PROCESSING  
SAMPLES  
Group: 1756  
Examiner: M. Angebranndt

RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 24, 2005

Sir:

In response to the Office Action mailed October 28, 2004, Applicants respectfully submit the following comments, and enclosed Terminal Disclaimer, for overcoming the sole ground of rejection in the Office Action mailed October 28, 2004.

Thus, in Item 3 on pages 2-4 of the Office Action mailed October 28, 2004, the Examiner has rejected all of the presently pending claims "under the judicially created doctrine of obviousness-type double patenting, over claims 1-10 of U.S. Patent No. 6,656,846" in light of various other documents. This is the sole ground of rejection in the above-identified application.

For overcoming this obviousness-type double patenting rejection, submitted

herewith is a Terminal Disclaimer for the above-identified application, with respect to U.S. Patent No. 6,656,846. It is respectfully submitted that this Terminal Disclaimer is timely filed, and is in compliance with 37 CFR § 1.321(c). In view of this Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection is moot.

The enclosed Terminal Disclaimer is being submitted so as to facilitate proceedings in connection with the above-identified application, for achieving earliest possible issuance of a U.S. patent based thereon. The filing of this Terminal Disclaimer does not constitute an admission as to the propriety of, or agreement with, the obviousness-type double patenting rejection; and does not constitute an admission as to the propriety of, or agreement with, arguments made by the Examiner in connection with the obviousness-type double patenting rejection.


In view of the filing of the enclosed Terminal Disclaimer, reconsideration and withdrawal of the obviousness-type double patenting rejection in the Office Action mailed October 28, 2004, the sole ground of rejection in this Office Action mailed October 28, 2004, and reconsideration and allowance of all claims presently in the application, are respectfully requested,

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP

Deposit Account No. 01-2135 (Docket No. 503.28546CV9), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By   
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Alan E. Schiavelli  
Registration No. 32,087

1300 North Seventeenth Street  
Suite 1800  
Arlington, VA 22209  
Tel.: 703-312-6600  
Fax.: 703-312-6666  
AES/sjg